

REMARKS

This is a full and timely response to the outstanding FINAL Office Action mailed June 23, 2008. The Examiner is thanked for the thorough examination of the present application. Upon entry of this response, claims 1-12 are pending in the present application. Applicants respectfully request consideration of the following remarks contained herein. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Response to Claim Rejections Under 35 U.S.C. § 102

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102. Claims 1-12 remain rejected under 35 U.S.C. §102(a) as allegedly being anticipated by the instant application's disclosed prior art. For at least the reasons set forth below, Applicants traverse these rejections.

In the Response to Arguments section, the Examiner maintains the rejection of claims 1-12 in view of the prior art disclosed in the instant application. In the prior response, Applicants argued that the Examiner failed to explain why the series of break points relating to the PSD mask in the various claims were not given patentable weight. In the present Office Action, the Examiner maintains that ". . . *stored data points [of a power density spectral mask] are not components of the system and therefore do not*

distinguish the claimed apparatus from the prior art in terms of structure.”) (Office Action, pages 2-3). The Examiner further reasons that “[t]he system does not become a different and patentably distinct system depending on the data points that are stored in the memory of the system.” Applicants stress, however, that claim 1 (and remaining claims 2-12) do not claim “stored data points” or a system storing various data points in memory, as alleged by the Examiner. Rather, the claimed embodiments are clearly directed to ADSL systems that comprise a central office operator configured to generate specific power spectral density (PSD) masks. The series of PSD masks are defined in part by various break points, which are clearly recited in each of the claims.

As set forth above, it appears that the Examiner is not giving patentable weight to the series of break points recited in each of the claims as the Examiner argues that the break points merely constitute “stored data points.” Applicants submit that the various break points are used to characterize specific PSD masks provided by a central office operator. For at least this reason, Applicants respectfully submit that claims 1-12 are patentable over the cited art of record.

While Applicants traverse the rejection set forth by the Examiner, Applicants have amended the claims in an effort to advance prosecution and to more clearly define the various embodiments. No new matter is added by the amendments. Applicants respectfully request entry of the amendments as Applicants do not believe that the amendments will necessitate a new search. The amendments are made to present the rejected claims in better form for consideration on appeal.

Claim 1, for example, has been amended to now recite (emphasis added):

1. An asynchronous digital subscriber line (ADSL) system comprising:

a central office (CO) operator configured to perform spectrum management, wherein ***the CO operator is further configured to provide a power spectral density (PSD) mask for spectral shaping of an ADSL overlap spectrum transmission over a plain old telephone system (POTS), wherein the PSD mask is defined by the following break points: -97.5 ±10% decibel-milliwatts per hertz (dBm/Hz) at 0 ±10% kilohertz (kHz); -97.5 ±10% dBm/Hz at 4 ±10% kHz; -92.5 ±10% dBm/Hz at 4 ±10% kHz; -36.5 ±10% dBm/Hz at 25 ±10% kHz; -36.5 ±10% dBm/Hz at 1104 ±10% kHz; -46.5 ±10% dBm/Hz at 2208 ±10% kHz; -101.5 ±10% dBm/Hz at 3925 ±10% kHz; -101.5 ±10% dBm/Hz at 8500 ±10% kHz; -103.5 ±10% dBm/Hz at 8500 ±10% kHz; and -103.5 ±10% dBm/Hz at 11040 ±10% kHz.***

Applicants submit that the cited prior art fails to disclose, teach, or suggest the feature emphasized above. In particular, the cited prior art fails to disclose a CO operator configured to provide a power spectral density (PSD). . . , wherein the PSD mask is defined by the break points listed above. While the claims are not coextensive in scope, Applicants submit that remaining claims 2-12 are patentable for similar reasons.

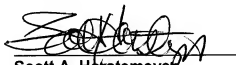
Accordingly, Applicants respectfully submit that independent claims 1-12 patently defines over the cited art for at least the reason that the cited art fails to disclose, teach or suggest the highlighted features in claims 1-12.

CONCLUSION

Applicants respectfully submit that all pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 50-0835.

Respectfully submitted,



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